

AMENDED IN SENATE MAY 2, 2005

SENATE BILL

No. 928

Introduced by ~~Senator Lowenthal~~ Senators Perata and Lowenthal

February 22, 2005

An act to amend ~~Section 41780~~ Sections 41780, 41820.5, and 41820.6 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 928, as amended, ~~Lowenthal~~ Perata. Public resources: solid waste.

~~Existing~~

(1) *Existing* law requires a city or county source reduction element to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.

This bill would change that percentage to an unspecified amount as of January 1, 2011.

(2) *Existing* law, until January 1, 2006, authorizes the California Integrated Waste Management Board to grant one or more, single, or multiyear time extensions for that diversion requirement to any city, county, or regional agency if certain conditions are met.

Under existing law, in addition to that authority to grant an extension, the board may, after a public hearing, grant a time extension for that diversion requirement to a city that is incorporated during a specified time period, if the county within which the city is located did not include provisions in its franchises ensuring that the incorporated area would comply with the diversion requirement.

This bill would delete the reference, in the latter provision, to the additional authority of the board to grant a time extension that will expire on January 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 41780 of the Public Resources Code is
2 amended to read:
- 3 41780. (a) Each city or county source reduction and
4 recycling element shall include an implementation schedule that
5 shows both of the following:
- 6 (1) For the initial element, the city or county shall divert 25
7 percent of all solid waste from landfill disposal or transformation
8 by January 1, 1995, through source reduction, recycling, and
9 composting activities.
- 10 (2) Except as provided in Sections 41783, 41784, and 41785,
11 for the first and each subsequent revision of the element, the city
12 or county shall divert 50 percent of all solid waste by January 1,
13 2000, and ____ percent on and after January 1, 2011, through
14 source reduction, recycling, and composting activities.
- 15 (b) Nothing in this part prohibits a city or county from
16 implementing source reduction, recycling, and composting
17 activities designed to exceed these requirements.
- 18 SEC. 2. Section 41820.5 of the Public Resources Code is
19 amended to read:
- 20 41820.5. (a) ~~In addition to its authority under Section 41820,~~
21 ~~the~~ The board may, after a public hearing, grant a time extension
22 from the diversion requirements of Section 41780 to a city if both
23 of the following conditions exist:
- 24 (1) The city was incorporated pursuant to Division 3
25 (commencing with Section 56000) of Title 5 of the Government
26 Code after January 1, 1990, and before January 1, 2001.
- 27 (2) The county within which the city is located did not include
28 provisions in its franchises that ensured that the now incorporated
29 area would comply with the diversion requirements of Section
30 41780.
- 31 (b) The board may authorize a city that meets the requirements
32 of subdivision (a) to submit a source reduction and recycling
33 element that includes an implementation schedule that shows
34 both of the following:

1 (1) The city shall divert 25 percent of its estimated generation
2 amount of solid waste from landfill or transformation facilities
3 within three years from the date on which the source reduction
4 and recycling element is due pursuant to subdivision (b) of
5 Section 41791.5, through source reduction, recycling, and
6 composting activities.

7 (2) The city shall divert 50 percent of its estimated generation
8 amount of solid waste from landfill or transformation facilities
9 within eight years from the date on which the source reduction
10 and recycling element is due pursuant to subdivision (b) of
11 Section 41791.5, through source reduction, recycling, and
12 composting activities.

13 *SEC. 3. Section 41820.6 of the Public Resources Code is*
14 *amended to read:*

15 41820.6. (a) ~~In addition to its authority under Section 41820,~~
16 ~~the~~ The board may, after a public hearing, grant a time extension
17 from the diversion requirements of Section 41780 to a city if both
18 of the following conditions exist:

19 (1) The city was incorporated pursuant to Division 3
20 (commencing with Section 56000) of Title 5 of the Government
21 Code on or after January 1, 2001.

22 (2) The county within which the city is located did not include
23 provisions in its franchises that ensured that the now incorporated
24 area would comply with the diversion requirements of Section
25 41780.

26 (b) The board may authorize a city that meets the requirements
27 of subdivision (a) to submit a source reduction and recycling
28 element that includes an implementation schedule that shows that
29 the city shall divert 50 percent of its estimated generation amount
30 of solid waste from landfill or transformation facilities, within
31 three years from the date on which the source reduction and
32 recycling element is due pursuant to subdivision (b) of Section
33 41791.5, through source reduction, recycling, and composting
34 activities.